

REMARKS

I. Summary of the Office Action and this Reply

Claims 1-28 are pending. Applicant thanks the Examiner for the allowance of claims 16-28, and the acknowledgement that claims 5-7, 9, 10 and 12-15 would be allowable if certain claims were rewritten in independent form.

Claims 1-4, 8 and 11 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,543,390 to Lowery ("Lowery") in view of U.S. Patent No. 5,813,369 to Fujinaga ("Fujinaga"). Claim 1 also stands rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,386,802 to Hang-Fu ("Hang-Fu") in view of Lowery.

In this Reply, claims 5, 7 and 9 are rewritten in independent form, and thus claims 5, 7 and 9, and dependent claims 6 and 10, are allowable. Claim 1 has been amended; no new matter has been added.

II. Response to 103 Rejections

The Examiner has rejected claims 1, 4, 8 and 11 under 35 U.S.C. §103(a), asserting obviousness in view of Lowery, Fujinaga and/or Hang-Fu.

A section 103 rejection is proper only if all claim limitations are taught or suggested by the cited art. MPEP §2143.

Claim 1

Claim 1 is directed to a harness assembly adapted for attachment to an animal. Claim 1 recites that the harness assembly includes a tail strap. The Examiner asserts in paragraph 2 of the action that Lowery discloses a harness including a tail strap 15 (see Figures 2a, 2b and 2c). In Lowery, strap 15 crosses the animal's back and encircles its waist area, at a considerable distance from its tail, this distance being due at least in part to the strap's 15 configuration for encircling

the animal. Strap 3 of Fujinaga identified by the Examiner in paragraph 2 of the Action crosses the animal's back in a similar position. For clarification purposes, claim 1 is amended herein to recite that the tail strap 26 is disposed so as to pass above and adjoin the tail of the animal, the dictionary definition of adjoin being "to lie next to or in contact with", as best shown in Figures 1 and 3. In this manner, the tail strap 26 may cooperate with the animal's tail to position and/or anchor the device's bag relative to the animal's anus. Such adjoining relationship is neither taught nor suggested in Lowery or Fujinaga. For at least this reason, reconsideration and withdrawal of the rejection of claim 1 are requested respectfully.

Additionally, claim 1 recites that the harness assembly includes a leg strap disposed so as to pass below the anus of the animal. The Examiner asserts in paragraph 2 of the Action that Lowery discloses such a strap 25. Contrary to the Examiner's assertion, the strap 25 of Lowery does not pass below the anus of the animal as recited in claim 1. Instead, each strap 25 of Lowery extends from a waist strap 15, over a hip and under a corresponding leg, as shown in Figures 2a, 2b and 2c. For clarification purposes, claim 1 is amended herein to recite that the leg strap 28 is disposed so as to pass below and adjacent to the anus of the animal, e.g. as shown in Figures 1 and 3 of the application. This is neither taught nor suggested by Lowery. Further, strap 35 of Lowery (see Figure 2c), even if below that animal's anus, is not adjacent to the animal's anus. For at least these reasons, reconsideration and withdrawal of the rejection of claim 1 are requested respectfully.

Additionally, claim 1 is amended herein to recite that the leg strap 28 is disposed so as to pass from a left side to a right side along the animal's posterior, as shown in Figure 1. Neither strap 25 of Lowery, nor strap 6 of Fujinaga, passes along the animal's posterior, or extends from a left side to a right side of the animal's posterior, as recited in amended claim 1. Further, straps 6 of Fujinaga do not pass

below the animal's anus; instead they extend to the sides of the animal's anus to allow for attachment of bag 7, and are of insufficient length to pass below the animal's anus. Further, strap 6 must be aligned with the animal's anus to ensure proper positioning of bag 7, as can be appreciated from Figures 1 and 2 of Fujinaga, and thus do not pass below as required by amended claim 1. For this additional reason, reconsideration and withdrawal of the rejection of claim 1 are requested respectfully.

Contrary to the Examiner's assertion in paragraph 3 of the Action, Hang-Fu does not disclose a leg strap that passes below the anus of the animal. Hang-Fu discloses an excrement collector that includes a contact member 12 having attachment holes 30 that may be used to attach the contact member 12 to an animal by way of straps. However, Hang-Fu discloses that there are two trailing straps 33 that travel along opposite sides of the animal. Accordingly, there is no strap that passes below the anus of the animal. Instead there are two straps, each of which ends adjacent the anus at hole 30 before passing below the anus. See Figures 1 and 3. Further, in a certain disclosed embodiment, it is emphasized that an end of each strap 31 is threaded through a hole 30 and attached to itself, further emphasizing that the strap 31 does not continue onward to pass below the anus of the animal. See Hang-Fu, col. 4, line 54 - col. 5, line 6. For this additional reason, reconsideration and withdrawal of the rejection of claim 1 are requested respectfully.

Accordingly, the device of claim 1 is neither taught nor suggested by Lowery, Fujinaga and/or Hang-Fu. Reconsideration and withdrawal of the rejections of claim 1 are requested respectfully.

**Claims 2-4, 8 and 11**

Claims 2-4, 8 and 11 depend from claim 1 and are likewise patentable for the reasons set forth above. Additionally, claim 3 recites that the harness assembly includes independently attachable and releasable fastener assemblies for positive connection to any selected point along a continuous open edge of a bag, and claim 4 recites that a fastening device is positioned adjacent each intersection of the tail strap and one of the back straps. This is neither taught nor suggested by Lowery, Fujinaga or Hang-Fu.

For at least these reasons, reconsideration and withdrawal of the rejections of claims 2-4, 8 and 11 are requested respectfully.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that claims 1-28 are in condition for allowance. Applicant requests respectfully issuance of a Notice of Allowance. If any issues remain, the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,

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